

**PONTIAC CHARTER REVISION COMMISSION**

**Chair, Tamekia Ramsey**

**Vice Chair, Kermit Williams**

**Norbert Burrows**

**Gill Garrett**

**Bryan Killian**

**Lucy Payne**

**Scott Stewart**

**Bruce Turpin**

**Jose Ybarra III**



47450 Woodward Ave. Pontiac, MI 48342 Phone: (248) 758-3200 Website: <http://www.pontiac.mi.us>

Sheila Grandison, MiPMC, Deputy City Clerk

**18<sup>th</sup> Session**

**MEETING AGENDA**

**October 12, 2023, at 6:00 p.m.**

**Meeting Location: City Council Chambers**

**Pontiac City Hall**

**47450 Woodward Ave. Pontiac, MI 48342**

- I. Call to Order**
- II. Roll Call**
- III. Authorization to Excuse Commissioners**
- IV. Amendments to and Approval of the Agenda**
- V. Approval of the Minutes**  
September 28, 2023
- VI. Public Comment**
- VII. Amendments to the 2013 Charter**
- VIII. Closing Comments**
- IX. Adjournment**

**V.**

# **Minutes**

September 28, 2023 Draft

**Official Proceedings  
2022 Pontiac Charter Revision Commission  
17<sup>th</sup> Session**

**Call to order**

A Meeting of the 2022 Charter Revision Commission of Pontiac, Michigan was called to order by Chair Tameka Ramsey at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Thursday, September 28, 2023, at 6:20 p.m.

**Roll Call**

**Members Present** – Gill Garrett, Bryan Killian, Lucy Payne, Tameka Ramsey, and Kermit Williams.

A quorum was announced.

**Excuse Commissioners**

23-48           **Motion to excuse Commissioners Norbert Burrows, Scott Stewart, and Bruce Turpin for personal reasons.** Moved by Commissioner Williams and second by Commissioner Garrett.

Ayes: Garrett, Killian, Payne, Ramsey, and Williams

No: None

**Motion Carried**

**Amendments and or Approval of the Agenda**

23-49           **Motion to move item #9 up after Public Comment as the new item #7.** Moved by Commissioner Williams and second by Commissioner Garrett.

Ayes: Killian, Payne, Ramsey, Williams, and Garrett

No: None

**Motion Carried**

23-50           **Motion to approve the agenda as amended.** Moved by Commissioner Williams and second by Commissioner Killian.

Ayes: Payne, Ramsey, Williams, Garrett, and Killian

No: None

**Motion Carried**

**Approval of the Minutes**

23-51           **Motion to approve meeting minutes from September 28, 2023.** Moved by Commissioner Garrett and second by Commissioner Williams.

Ayes: Ramsey, Williams, Garrett, Killian, and Payne

No: None

**Motion Carried**

**Public Comment** – None

**Reviewing of the 2013 Charter**

23-52           **Motion to adopt the 2013 Charter as a guide of framework to assist in amending City Charter.** Moved by Commissioner William and second by Commissioner Killian.

Ayes: Williams, Garrett, Killian, Payne, and Ramsey

No: None

**Motion Carried**

23-53        **Motion to keep Articles 1, General Provisions 1.101 through 1.104 as is.** Moved by Commissioner Williams and second by Commissioner Killian.

Ayes: Williams, Garrett, Killian, Payne, and Ramsey,

No: None

**Motion Carried**

23-54        **Motion to amend Article II, Elections, Section 2.101, Elective Officers.** Moved by Commissioner Williams and second by Commissioner Garrett.

The elective officers of the City are the mayor and the seven (7) members of the City Council. ~~Five (5)~~ **Six (6)** council members shall be elected by district and ~~two (2)~~ **one (1)** at-large council member shall be elected citywide.

Ayes: Williams, Garrett, Killian, Payne, and Ramsey

No: None

**Motion Carried**

23-55        **Motion to amend Article II, Elections, Section 2.105, Election Commission.** Moved by Commissioner Williams and second by Commissioner Garrett.

The City Election Commission is composed of:

1. City Clerk
2. ~~City Attorney,~~ **a Non-Attorney employee of the city to be appointed by the Mayor**
3. **City Treasurer**
4. **Two residents appointed by City Council**

The Commission has general supervision of all elections in the city and may hire assistants, inspectors, and other election personnel **and be consulted by Attorney or Firm.**

Ayes: Garrett, Killian, Payne, Ramsey, and Williams

No: None

**Motion Carried**

23-56        **Motion to amend Article II, Elections, Section 2.106, Electoral Districts and Re-Appportionment.** Moved by Commissioner Williams and second by Commissioner Garrett.

The City is divided into ~~five (5)~~ **six (6)** Electoral districts.

Ayes: Garrett, Killian, Payne, Ramsey, and Williams

No: None

**Motion Carried**

23-57        **Motion to amend Article II, Elections, Section 2.107, Candidates for Nomination.** Moved by Commissioner Williams and second by Commissioner Garrett.



Nominating petitions of a candidate for nomination to a City Council District seat shall contain the signatures of at least ~~50~~ 100 and not more than ~~100~~ 150 registered electors of the district involved.

Ayes: Garrett, Killian, Payne, Ramsey, and Williams

No: None

**Motion Carried**

23-58           **Motion to adopt Article II, Elections, Section 2.101 through 2.112 as amended.**  
Moved by Commissioner Williams and second by Commissioner Killian.

Ayes: Killian, Payne, Ramsey, Williams, and Garrett

No: None

**Motion Carried**

23-59           **Motion to amend Article III, Legislative Branch, Chapter 1-City Council, Section 3.102, District Representation: Term of Office.** Moved by Commissioner Garrett and second by Commissioner Williams.

The ~~two~~ one Council ~~members~~ member at-large shall be nominated and elected by the electors of the entire city.

Ayes: Payne, Ramsey, Williams, Garrett, and Killian

No: None

**Motion Carried**

Commissioner Jose Ybarra III arrived at 7:00 p.m.

23-60           **Motion to amend Article III, Legislative Branch, Chapter 1-City Council, Section 3.103, Beginning of Term.** Discussion.

**Motion to table amend Article III, Legislative Branch, Chapter 1-City Council, Section 3.103, Beginning of Term to the next meeting on October 12, 2023.** Moved by Commissioner Garrett and second by Commissioner Williams.

Ayes: Ramsey, Williams, Ybarra III, Garrett, Killian, and Payne

No: None

**Motion Carried**

23-61           **Motion to amend Article III, Legislative Branch, Chapter 1-City Council, Section 3.106, Public Access: Rules.** Moved by Commissioner Payne and second by Commissioner Garrett.

The Council shall determine its own rules ~~ad~~ and order of business and shall keep a journal of its proceedings, in English ~~and reproduced in Spanish.~~

Ayes: Williams, Ybarra III, Garrett, Payne, and Ramsey

No: None

**Motion Carried**

Commissioner Killian was absent during the vote.

23-62           **Motion to amend Article III, Legislative Branch, Chapter 1-City Council, Section 3.108, Voting.** Moved by Commissioner Williams and second by Commissioner Payne.

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Except as otherwise required by this charter, no action of the Council shall be effective unless adopted by a majority of Council members serving. ~~present and voting during that action's vote.~~

Ayes: Williams, Ybarra III, Garrett, Killian, Payne, and Ramsey

No: None

**Motion Carried**

23-63      **Motion to amend Article III, Legislative Branch, Chapter 1-City Council, Section 3.110, Compensation.** Moved by Commissioner Williams and second by Commissioner Garrett.

Council membership is a part-time position, **except for the City Council President, who will be full-time.**

Ayes: Williams, Ybarra III, Garrett, and Ramsey

No: Killian and Payne

**Motion Carried**

23-64      **Motion to amend Article III, Legislative Branch, Chapter 1-City Council, Section 3.111, Appointment of Clerk.** Moved by Commissioner Williams, he withdrew his motion. Moved by Commissioner Garrett and second by Commissioner Ybarra III.

The Council shall appoint a City Clerk for an indefinite period **upon a satisfactory evaluation; the Clerk shall continue its appointment with a yearly evaluation.** The Clerk is removable by five (5) members of the council **or Council President and three members of Council.**

Ayes: Ybarra III, Garrett, Payne, Ramsey, and Williams

No: Killian

**Motion Carried**

23-65      **Motion to amend Article III, Legislative Branch, Chapter 1-City Council, Section 3.115, Staff.** Moved by Commissioner Williams and second by Commissioner Garrett.

The Council may, within appropriations provided in the budget, appoint staff or contract for services. Staff or persons engaged pursuant to contract serve at the pleasure of the Council **without interference of the Mayor, appointee of the Mayor, or staff from the Executive Branch.**

Ayes: Garrett, Killian, Ramsey, Williams, and Ybarra III

No: None

Abstain: Payne

**Motion Carried**

### **Discussions**

Charter Commissioners discussed waiting until they have an amended Charter to go over it in Training.

Forms of Government: City Council with 1 at Large Council Seat with President being a full-time position voted by the people or the rest of the City Council Members.

**Closing Comments** – Commissioner Gill Garrett, Commissioner Bryan Killian, Commissioner Jose Ybarra III, and Chair Tameka Ramsey made closing comments.

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**Adjournment**

Chair Tameka Ramsey adjourned the meeting at 9:05 p.m.

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Sheila R. Grandison  
Deputy City Clerk

DRAFT

**VII.**

**Amendments to  
the 2013  
Charter**



# HOME RULE CHARTER



ADOPTED MAY 27, 1981  
TO TAKE EFFECT MAY 3, 1982

PONTIAC, MICHIGAN

## PREAMBLE

We, the people of the City of Pontiac, adopt this Charter to protect our rights and to promote a just, honorable and efficient government.

**Pontiac is a city with a strong history, settled in 1818 and formally incorporated in 1861. As with previous charters for this historic city, the citizens have forged this Charter to ensure our great city of Pontiac thrives for many generations of future residents.**

## ARTICLE 1 – GENERAL PROVISIONS

### 1.101 City Government

The people of the City of Pontiac hereby provide for the establishment and continuation of their municipal government as set forth in this home rule charter **and as provided by law.**

### 1.102 Boundaries

The boundaries of the City when this charter takes effect shall continue unless changed in accordance with state law.

### 1.103 General Powers

The City possesses the home rule powers and all other powers conferred by the Michigan constitution and law. The specific mention of a particular power in the charter shall not be construed as limiting in any way these general powers. These powers shall be liberally interpreted and construed in favor of the City.

### 1.104 Strong Mayor Plan

The plan of municipal government provided by this charter is known as the “Strong Mayor Plan.”

## ARTICLE II – ELECTIONS

### 2.101 Elective Officers

The elective officers of the City are the Mayor and the seven (7) members of the City Council. ~~Five (5)~~ **Six (6)** council members shall be elected by district and ~~two (2)~~ **one (1)** at-large council members shall be elected citywide.

### 2.102 Elections

~~Regular City primary and general elections shall be held on Tuesday following the second Monday in September and Tuesday following the first Monday in November of odd years. City elections are non-partisan.~~

**Regular City primary and general elections shall be held on the same date as regular state gubernatorial primary and general elections. City elections will occur in accordance with state and federal law. City elections are non-partisan.**

**2.103 Voters**

Electors of the City shall be registered as provided by law.

**2.104 Conduct of Elections**

City primary and general elections shall be conducted and votes canvassed as provided by law.

**2.105 Election Commission**

The City Election Commission is composed of:

1. City Clerk
2. ~~City Attorney~~, **a non-Attorney employee of the city to be appointed by the Mayor**
3. ~~City Assessor~~ **City Treasurer**
4. **Two residents appointed by City Council**

The Commission has general supervision of all elections in the City and may hire assistants, inspectors, and other election personnel.

Except as otherwise provided by this charter or ordinance, the Commission shall perform all duties required of election commissions by law. It may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose and penalty prescribed for failure to obey a subpoena or order, the Commission shall apply to the appropriate court.

All meetings of the Commission shall ~~be open to the public.~~ **comply with state law.**

In case of any doubt concerning election procedure, the Commission shall prescribe the procedure to be followed.

**The City Clerk shall serve as chair of the Election Commission.**

**2.106 Electoral Districts and Re-Appportionment**

~~The City is divided into seven (7) electoral districts.~~ **The City is divided into five (5) ~~six~~ (6) electoral districts.** The districts shall be contiguous, compact and as nearly of equal population as is practicable. In no event shall the population of any district vary by more than 1% from that of any other district, based upon the most recent official United States decennial census or other census permitted by law. Districts shall be all-apportioned by ordinance pursuant to law and this charter. The ordinance shall be adopted as soon as possible after official release of census figures and at least four (4) months prior to the City primary election to which it first



applies. The effective date of representation of the new districts shall be the date for taking office of the first Council members elected therefrom, **unless otherwise provided by this Charter.**

**2.107 Candidates for Nomination**

Any person desiring to become a candidate for nomination to any City office shall, prior to the City primary election, file with the Clerk nominating petitions as provided by law. ~~Nominating petitions of a candidate for nomination to the City Council shall contain the signatures of at least 25 and not more than 50 registered electors of the district involved.~~ **Nominating petitions of a candidate for nomination to a City Council at-large seat shall contain the signatures of at least 150 and not more than 250 registered electors. Nominating petitions of a candidate for nomination to a City Council district seat shall contain the signatures of at least 50 100 and not more than 100 150 registered electors of the district involved.**

~~Nominating petitions of candidates for nomination for Mayor shall contain the signatures of at least 50 and not more than 100 registered electors.~~ **Nominating petitions of candidates for nomination for Mayor shall contain the signatures of at least 250 and not more than 400 registered electors.**

**2.108 Primary Election**

Nominations for each elective office shall be made at a City primary election. However, whenever not more than two (2) persons file for nomination to an office, there shall be no primary election for the office, the City Clerk shall certify such persons as duly nominated for that office, and the name(s) of the persons who filed shall be placed on the general election ballot for the office.

**2.109 Nomination and Election**

The two (2) candidates for nomination to each office receiving the most votes in the City primary for the office are nominated. The nominee for each office receiving the most votes in the City general election for the office is elected. If two (2) or more candidates for a nomination or two (2) or more nominees for an office receive an equal number of votes **in the certified results**, the Council shall determine by lot which person is nominated or elected.

**2.110 Recall**

An elective officer of the City may be recalled by registered electors as provided by law.

**2.111 Effect of Recall**

No person, who has been recalled from an office, or who has resigned from office while recall proceedings were pending, shall be appointed by the City to any office within ~~two (2)~~ **four (4)** years after such recall or resignation.

**2.112 Oath of Office**



Every elected officer and other officers as prescribed by ordinance shall, before entering upon the duties, take and subscribe the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and of this State and the Charter of the City of Pontiac and that I will faithfully discharge the duties of office to the best of my ability,"

And shall file that oath, duly certified by the officer before whom it was taken, in the office of the City Clerk.

### ARTICLE III – LEGISLATIVE BRANCH

#### Chapter 1 – City Council

##### 3.101 Local Legislature

A City Council of seven (7) members is hereby created. The Council is the legislative body of the City and possesses such other powers as may be provided by law or this charter.

##### 3.102 District Representation; Term of Office

Each district of the City shall be represented by one Council member **for that district**. The member from each district shall be nominated and elected by the electors of the district. **The ~~two~~ one Council members member at-large shall be nominated and elected by the electors of the entire city.** To be eligible for the office of Council member for a district, a person must have been a resident of ~~the City for one year immediately before the term commences~~ **that District in question for one year immediately before the filing deadline for the office.** To be eligible for the office of Council member at-large, a person must have been a resident of the city for one year immediately before the filing deadline for the office.

Each member of the Council elected under this charter shall serve for (4) years and until a successor qualifies. The Council shall be the sole judge of the election and qualification of its members.

##### 3.103 Beginning of Term

The term of each Council member begins at ~~noon~~ **8:00 a.m.** on the first business day after January 1<sup>st</sup> following the election.

##### 3.104 Organizational Meeting

The first business of the first meeting in each new term of the Council shall be its organization. The meeting shall be held in the Council Chambers and shall be presided over by the City Clerk or a temporary presiding officer until the President and President Pro-Tem of the Council have been selected. The President of the Council shall preside at meetings of the Council. The President Pro-Tem shall perform the duties of the Council President during the absence or temporary disability of the Council President.

**The procedural and organizational rules for the Council shall be established by the Council at that first meeting of the new term. Those rules must establish who shall preside at meetings of the Council in the absence of the President and President Pro-Tem. Those rules shall be written and accessible to the public.**

**3.105 Meetings**

The Council shall meet at such times as prescribed by ordinance or resolution, except that it shall meet regularly **not less than once a week twice per month**. The Mayor, or and two (2) members of the Council may call special meetings of the Council, ~~upon at least 10 hours' written notice to each member, served personally or left at the member's place of residence.~~ **provided it is requested in writing and written notice is given to each member, served personally, electronically or left at the member's place of residence at least ten (10) hours prior to the meeting time.** However, any special meeting at which all members of the Council are present or have given written consent shall be a legal meeting for all purposes, without such written notice.

**3.106 Public Access; Rules**

As provided by law, all meetings of the Council shall be public and any citizen may have access to the minutes and records thereof at all reasonable times.

The Council shall determine its own rules ad order of business and shall keep a journal off its proceedings, in English **and reproduced in Spanish.**

**3.107 Quorum**

A majority of all Council members serving constitutes a quorum, but a lesser number may adjourn from day to day and compel the attendance of an absent member in such manner and under such penalties as prescribed by ordinance.

**3.108 Voting**

Except as otherwise required by this charter, no action of the Council shall be effective unless adopted by a majority of Council members ~~serving present and~~ **voting during that action's vote.**

On all ordinances, and in all other matters on the demand of one or more members of the Council, a roll call vote shall be taken.

**3.109 Council Action**

The Council shall act for the City only by ordinance or resolution.

**3.110 Compensation**

Council membership is a part-time position, **except for the Council President, who will be full-time.**



~~A Council member may be paid by the City the sum of \$100.00 for each official meeting of the Council attended by the member. However, no member of the Council shall receive more than \$5,200.00 in any one year.~~

**The Council members shall be paid by the City as determined by ordinance, this Charter and law.**

3.111 Appointment of Clerk

The Council shall appoint a City Clerk for an indefinite period **upon a satisfactory evaluation; the Clerk shall continue its appointment with a yearly evaluation.** The Clerk is removable by vote of five (5) members of the council **or Council President and three (3) members of Council.**

3.112 Ordinance Procedure

(a) The enacting clause of all ordinances shall read, "The City of Pontiac ordains", but this clause may be omitted when the ordinances are ~~publishes~~ **published** in a compilation.

(b) Upon introduction, the Clerk shall distribute a copy to each Council member and to the Mayor, and shall file a reasonable number of copies in the office of the Clerk and such other public places as the Council may designate, and shall publish a ~~summary of the proposed ordinance in a newspaper of general circulation by~~ **means established by ordinance to achieve widespread dissemination to the public** in the City together with a notice of the time and place for consideration by the Council. Thereafter, the Council may amend and adopt the proposed ordinance without further pre-adoption publication.

(c) A proposed ordinance shall be introduced at a regularly scheduled Council meeting. Any ordinance shall require two readings by the Council and two opportunities for public comment at regularly scheduled Council meetings prior to being adopted.

(d) The adoption of any ordinance by the Council shall require a majority of Council members serving.

(e) The effective date of an ordinance shall be stated therein. The effective date shall not be less than 10 **business** days from the date of adoption **or publication, whichever occurs later.** No ordinance ~~may~~ **shall** be adopted on the ~~same day that~~ it is introduced.

(f) An emergency ordinance, which shall contain a statement of its urgency, must be necessary for the immediate preservation of the public peace, property, health, safety or for the usual daily operation of a department. An emergency ordinance may be adopted on the day it is introduced, publication of a summary thereof before adoption is not required, and an emergency ordinance may be given immediate effect. **Adoption of an emergency ordinance requires an affirmative vote of two-thirds of Council members serving.**

(g) Every ordinance or resolution of the Council, except quasi-judicial acts of the Council, appointments by the Council, matters relating to the internal organization of the Council or of a ceremonial nature, or such action as may be expressly exempted from veto by other sections of this charter, shall be presented by the Clerk to the Mayor within four (4) business days after adjournment of the meeting at which the ordinance or resolution is adopted.

The Mayor, within seven (7) days of receipt of an ordinance or resolution, may return it to the Clerk with a veto and a written statement explaining the veto. However, with respect to an emergency ordinance, the Mayor shall notify the Council of a veto in any reasonable manner within 24 hours after the Mayor's office receives written notice from the Clerk that the emergency ordinance has been adopted.

An ordinance or resolution vetoed by the Mayor can be reconsidered by the Council ~~only~~ at a meeting within one week **at no later than the next regularly scheduled meeting** after the receipt of the Mayor's veto. Five Council members may adopt the ordinance or resolution over the Mayor's veto.

(h) An ordinance shall be published once after its adoption in a newspaper of general circulation in the City **as provided in this Charter**. Except for an emergency ordinance, such publication shall be before the ordinance's effective date. The Clerk shall certify on the record of ordinances the date **and method** of publication shall be prima facie evidence that legal publication of an ordinance was made.

(i) The Clerk shall maintain a record of all ordinances. After an ordinance is adopted, it shall be authenticated by the Clerk. The record and the authentication shall be done within one week after adoption of an ordinance, but failure to so record and authenticate an ordinance does not invalidate it or suspend its operation.

(j) A repealed ordinance may not be revised, except by re-enactment of the whole or so much as is intended to be revived. When any section or part of section of an ordinance is amended, the whole section as amended shall be re-enacted.

(k) Prosecution for violation of an ordinance of the City shall be commenced within two (2) years after the commission of the offense. This limitation only applies to violations penal in nature, and is not a limitation of the City's right to forfeit any franchise, grant or license for violation of the terms and condition thereof.

(l) A violation of an ordinance of the City shall be prosecuted as provided by law or ordinance.

### 3.113 Transfer of City Property; Contracts



The City may not sell, lease, exchange, or in any way dispose of any real property of the City or any property of the City, except such personalty as may have been defined by ordinances as a minor, without approval, after public notice and hearing, by resolution of the Council. Nor may the City enter into a contract if there is not a sufficient unencumbered appropriation available to discharge fully the City's obligation thereunder, without approval by the Council.

~~3.114 City Hospital~~

~~The City, by ordinance shall, provide for the governance of the City hospital Section shall apply to appointees and employees of the hospital.~~

3.115 Staff

The Council may, within appropriations provided in the budget, appoint staff or contract for services. Staff or persons engaged pursuant to contract serve at the pleasure of the Council **without interference of the Mayor, appointee of the Mayor, or staff from the Executive Branch.**

3.116 Relations with Executive Branch

The council and each of its members may make inquiries of, or request information and records from, the Mayor, the appointees or the employees of the executive branch. However, neither the Council nor any member of thereof shall give any order or direction, neither publicly or privately, to any appointee or employee of the executive branch.

3.117 Investigative Powers

The council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Council shall apply the appropriate court.

3.118 Vacancies

A vacancy on the Council may be filled by appointment of a registered elector of the district affected by a majority of Council members remaining. The appointee serves out the unexpired term or until a successor is elected. However, the term of a member may not be extended by resignation and subsequent appointment.

3.119 Effect of Absences

Absence from five (5) regular meetings **during a calendar year** shall operate to vacate the seat of a member, unless the absence is excused by the Council by resolution setting forth the excuse and entered upon the journal. **Any Council member that is absent from over one half of any regularly scheduled meetings during one full year, regardless of whether the absence is excused, shall operate to vacate the seat of a member.**

3.120 Control of City Payroll